

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
18-CR-195-A

JULIAN BEAVERS,

Defendant.

For reasons the Court stated more fully on the record today in ruling on the appeal by the United States of a Magistrate Judge's partial denial of a motion to revoke pretrial release, Dkt. No. 36, the Court found that defendant Beavers is unlikely to abide by any condition or combination of conditions of release and revoked his release. The defendant faces a 20-year mandatory-minimum sentence upon conviction after trial, along with potential penalties under four other counts of an Indictment which are each also serious enough to trigger the rebuttable presumptions of dangerousness and flight risk in 18 U.S.C. § 3142(e)(3)(A).

Based upon the parties' proffers during proceedings on May 10, the Court found probable cause to believe that defendant Beavers committed two federal felonies — a violation of 18 U.S.C. § 1001(a)(1) and a violation of 21 U.S.C. § 846 — while subject to a zero-tolerance condition of pretrial release. The defendant's arrest record includes approximately 24 prior arrests, and approximately 20 of these arrests occurred while the defendant was on bail, subject to a conditional discharge, or subject to bench warrants. The defendant has used aliases with law enforcement. He

has frequently had unstable addresses. He has never held verifiable employment.

This is not a close case. The Court found pursuant to 18 U.S.C. § 3148(b) that defendant Beavers' conduct while on pretrial supervision and in the past establishes that he is unlikely to abide by any available condition or combination of conditions of release set by this Court, notwithstanding the 30-day term of pretrial detention that he is now serving and the Magistrate Judge's warning to the defendant that he should expect to serve a longer period of pretrial detention after revocation when the defendant next violates the Court's conditions upon his pretrial release. There will not be a next time.

Defendant Beaver's pretrial release is revoked pursuant to 18 U.S.C. § 3148(b), and the defendant is committed to custody of the Attorney General pursuant to 18 U.S.C. § 3142(e) for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Attorney General shall afford the defendant a reasonable opportunity for private consultation with counsel. This ruling is without prejudice to the defendant's right to the presumption of innocence, and to his right, pursuant to 18 U.S.C. § 3142(f), to seek reconsideration of his pretrial detention based upon changed circumstances.

SO ORDERED.

S/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

Dated: May 14 , 2019